

vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

JOURNALS ORDERED.

Senator Hanger moved that the Sergeant-at-Arms be instructed to have three thousand copies of the Journal of Friday, February 13th, and Tuesday, February 17th, printed and bound together.

The motion prevailed.

SENATE BILL NO. 28.

On motion of Senator Paulus, pending business (Senate bill No. 5) was suspended, and the Senate took up, out of its order, Senate bill No. 28.

The Chair laid before the Senate, on its second reading,

Senate bill No. 28, A bill to be entitled "An Act to amend Article 483a, of Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas, 1895, relating to the power of city councils of a town or city having less than three thousand inhabitants, to dispense with the office of city marshal."

Bill was read second time, and ordered engrossed.

On motion of Senator Paulus, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Beaty.	Hicks.
Brachfield.	Hill.
Cain.	Lipscomb.
Davidson of	Martin.
DeWitt.	McKamy.
Decker.	Mills.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Willacy.
Henderson.	Wilson.

Nays—1.

Hale.

Absent.

Davidson of	Grinnan.
Galveston.	Morris.

The bill was read third time, and passed by the following vote:

Yeas—26.

Brachfield.	Decker.
Cain.	Douglass.
Davidson of	Faubion.
DeWitt.	Faulk.

Faust.
Hanger.
Harbison.
Harper.
Henderson.
Hicks.
Hill.
Lipscomb.
Martin.
McKamy.

Mills.
Patteson.
Paulus.
Perkins.
Savage.
Sebastian.
Stafford.
Willacy.
Wilson.

Nays—2.

Beaty.

Hale.

Absent.

Davidson of	Grinnan.
Galveston.	Morris.

Senator Paulus moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASON FOR VOTING.

"We vote 'no' on Senate bill No. 28 because we are of the opinion that it is unconstitutional.

"BEATY,
"HALE."

Senator Faulk offered an account and had it referred to Committee on Claims and accounts.

(Senator Stafford in the chair.)

SENATE BILL NO. 5—REGULAR ORDER.

The Chair laid before the Senate, on its second reading, regular order,

Senate bill No. 5, A bill to be entitled "An Act to amend Article 5080, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, by adding a new article to be known as Article 5080a."

Senator Savage moved that it be laid on the table subject to call.

The motion prevailed.

ADJOURNMENT.

On motion of Senator Sebastian, the Senate, at 4:35 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Texas, Friday, Feb. 20, 1903.

Senate met pursuant to adjournment. President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Lipscomb.
Decker.	Martin.
Douglass.	Mills.
Faubion.	Morris.
Faulk.	Patteson.
Faust.	Paulus.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harbison.	Stafford.
Harper.	Wilson.

Absent.

Beaty.	McKamy.
Davidson of	Willacy.
Galveston.	

ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.
 W. E. DeLamar.
 R. M. Gilmore.
 Amos Wynne.
 W. M. Cobb.
 Eldred McKinnon.
 Mrs. Laura V. Grinnan.
 F. P. Smith.
 Miss Lucy Lane.
 C. H. Allen.
 D. F. Hughes.
 Frank Mullins.
 C. J. Kirk.
 Rev. I. S. Davenport.
 Miss May Fant Odom.
 J. C. Son.
 Miss Georgia Sturgiss.
 Mrs. Hattie Yarbrough.
 Mrs. Hope H. Hawkins.
 Miss Emily Holcomb.
 Mrs. J. R. Van Orden.
 Miss Bessie Goldstein.
 W. T. Pace.
 W. A. Shaw, Jr.
 Lucien Goss.
 J. A. Chaffe.
 Charlie Lane.
 Willie Gibson.
 Henry Paulus.
 Everett Thornhill.
 Walter Savage.
 Jas. Sebastian.
 Willie Gray.
 Jamie Snipes.
 Ed Underhill.
 John Durst.
 Will Bartley.
 Reed Pierson.
 Dan Edwards.
 Josh Pyles.
 Ellis Monroe.
 Albert Hill.
 Mark Marsh.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Wilson, the same was dispensed with.

EXCUSED.

On motion of Senator Patteson, Senator Beaty was excused from attendance upon the Senate today on account of important business.

On motion of Senator Sebastian, Senator Willacy was excused from attendance upon the Senate today on account of important business.

PETITIONS AND MEMORIALS.

Senator Decker offered the following petition:

TULIA, TEXAS, February 14, 1903.

To the Senate and House of Representatives of Texas, now in session at Austin:

We, the undersigned citizens of Swisher county, realizing the great disaster that must come to our chief and only industry through which it is possible for us to support our families, viz., cattle growing, should the bill now before you, known as the Bryan quarantine bill become a law, do most earnestly and respectfully enter our protest against the enactment of said bill, or any other bill containing its provisions; and beg leave to submit the following reasons:

First. Should such a law be enacted the federal quarantine line will be moved from where it now exists and placed on the northern boundary line of the State of Texas.

Second. Under existing conditions, we sell all of our calves and yearlings and two-year-old cattle to go on the range of Montana, Colorado, Wyoming, the Dakotas and other northwestern grazing States; or to feeders in Missouri, Kansas, Iowa, Indiana, and the corn belt States; a market that cannot now and never has been reached, nor cannot be reached by cattle below the federal quarantine line. Hence we in no way compete with cattle below the quarantine line.

Third. Should the Bryan bill become a law, the more than two million, five hundred thousand head of cattle in Texas above the quarantine line, which is more than one-third of all the cattle in Texas, will be forced into competition with the cattle south of the line. Thus adding more than one-third to the number of cattle that must be sold from the same pens, and at the same time, without any

increased demand; which must greatly injure the cattle industry in all parts of Texas below the line, as well as ruin it above it.

Fourth. We cannot mature beef cattle above the line because we cannot produce the necessary feed. Hence we sell nothing for immediate slaughter, except old cows and non-breeders. We cannot ship feed into our country to fatten cattle, because we have no railroad facilities. We cannot ship them below the line to the cottonseed mills because the ticks kill them.

Fifth. In this connection, we desire to say that our section has been grossly misrepresented. The report that this country is practically owned and manipulated in the interest of cattle syndicates and that actual settlers are unwelcome is wholly untrue; every one of the signers of this protest is an actual settler and located on one-fourth to four sections of school land, and engaged in developing this country by our own labor; precisely as those do who live in other portions of the State. And the records in the Land and Comptroller's Offices show that we have developed this country from a waste until we now pay taxes on more than sixty-two million dollars of land and cattle values.

Sixth. It is alleged that there are thousands upon thousands of acres of public domain in this section, and that the poor homeseeker is being kept off of it by force or fraud; such is not the case. There is no public domain above the quarantine line, outside of the absolute lease section that is not already occupied by actual settlers—the records of the Land Office show this. The days of free grass have long since passed, and all of the country subject to settlement above the line is already stocked up with cattle to its full capacity. Nor will it pay any one to bring cattle from below the quarantine line to this country to breed from. All such experiments have proven failures since the days of free grass. We place the number of sections of land we own opposite our names, together with the number of cattle that we own. It must be remembered that where the sections are more than four, are patent sections that we have bought to block up our little pastures. Besides, it will show how the lands are occupied in the Panhandle. By reference to the map it will be seen that Swisher county is located about the center of the country north of the quarantine line. An investigation will show that all of the other counties, except those in the absolute lease district, are held in about the same way, as to land and cattle.

We are citizens, we are taxpayers, and

we appeal to our lawmakers to see to it that our business is not ruined, and our homes rendered worthless; and we say from bitter experience, that the only way this country can be turned over to the cattle barons and be made again a free grass country, is to enact the Bryan bill into law.

Respectfully,

I. P. Moody, two and one-half sections, 225 head of cattle.

S. R. Cox, six and one-half sections, 370 head of cattle.

W. L. Stith, two sections, 80 head of cattle.

C. M. and E. W. Stith, one section, 45 head of cattle.

N. D. Perkins, seven sections, 200 head of cattle.

J. C. La Prade, two sections, 75 head of cattle.

J. R. Hawkins, one and one-quarter sections, 50 head of cattle.

H. D. Barnes, two sections, 70 head of cattle.

W. F. Spur, three sections, 300 head of cattle.

J. R. Ward, two sections, 130 head of cattle.

A. U. Boren, one-half section, 25 head of cattle.

J. J. Tracy, two sections and eighty acres, 200 head of cattle.

R. A. Berry, one section, 120 head of cattle.

R. T. Bishop, four sections, 150 head of cattle.

J. E. Lawler, three sections, 190 head of cattle.

W. A. Lawler, two sections, 160 head of cattle.

Henry Burnham, one section, 55 head of cattle.

T. M. Ray, four sections, 100 head of cattle.

W. B. Daugherty, one section, 43 head of cattle.

L. H. Stephens, two sections, 30 head of cattle.

C. G. Haile, four sections, 200 head of cattle.

J. L. Stallings, two sections, 140 head of cattle.

B. J. Stortz, one section, 96 head of cattle.

A. M. Denman, two sections, 94 head of cattle.

W. R. Jones, one section, 66 head of cattle.

B. F. Elliff, 160 acres, 20 head of cattle.

G. E. Love, three sections, 115 head of cattle.

J. W. French, six and three-quarter sections, 500 head of cattle.

Wm. Ward, six sections, 300 head of cattle.

H. Y. Elkins, one section, 47 head of cattle.

Perry McClune, three sections, 200 head of cattle.

Chas. G. Cochran, one section, 60 head of cattle.

G. C. Hutchison, sheriff and collector, 4 head of cattle.

J. A. Hutchinson.

C. C. Paff, four and one-half sections, 275 head of cattle.

M. F. Kager, one section, 39 head of cattle.

R. L. Stringer, three sections, 250 head of cattle.

A. D. Elkins, one and three-quarter sections, 60 head of cattle.

F. G. Patching, seven sections, 300 head of cattle.

W. A. Strong.

J. D. Cook, one section, 20 head of cattle.

B. N. Harpison, 10 head of cattle.

J. L. Cantrell, 30 head of cattle.

J. C. Jowell.

J. M. Potter, one section, 76 head of cattle.

W. O. Cantrell, 10 head of cattle.

Ray Price.

W. W. Gunn.

J. H. Sieles.

F. L. Stringer.

S. F. Floris, five sections, 650 head of cattle.

J. L. Smith, four sections, 75 head of cattle.

S. L. Smith, 75 head of cattle.

V. C. Jennings, one-half section.

J. O. Martin, one section, 2 head of cattle.

Jeff Potter.

J. A. Bivens, one and three-quarter sections, 59 head of cattle.

J. P. Maness, 61 head of cattle.

Nute Gray.

T. J. Maness.

Arch Conner.

W. N. Clayton, 17 head of cattle.

J. R. Spence, one section, 49 head of cattle.

J. T. Lemmon, four sections, 350 head of cattle.

J. H. Pearson, one section, 87 head of cattle.

W. L. Pearson, one section, 103 head of cattle.

B. F. Pearson, one section, 123 head of cattle.

A. S. Parker, three sections, 248 head of cattle.

J. F. Ervin, one and one-half sections, 100 head of cattle.

G. C. Keck, two sections, 100 head of cattle.

J. W. Ervin, one-half section, 35 head of cattle.

G. F. Reid, three sections, 166 head of cattle.

John Patching.

T. A. Gray, three and one-half sections, 300 head of cattle.

H. W. Armstrong, one section, 150 head of cattle.

W. C. Hulsey, six sections, 400 head of cattle.

J. R. McGuire, two and three-quarter sections, 117 head of cattle.

A. W. Waddill.

E. D. Smith, county and district clerk.

J. E. Kounce.

D. A. Keans, one section, 60 head of cattle.

W. S. Clayton, one section, 115 head of cattle.

W. W. Linville, three sections, 100 head of cattle.

M. J. Owens, two sections, 100 head of cattle.

A. J. Owens.

H. S. White.

J. T. Stallings.

T. W. Tomlinson, two sections, 50 head of cattle.

G. S. Stroup.

J. S. Turney, two and one-half sections, 212 head of cattle.

L. V. Scott.

Z. J. Petty, M. D., one section, 10 head of cattle.

Mary E. Clayton, four sections, 145 head of cattle.

T. W. Edwards, three sections, 100 head of cattle.

Jas. T. Scott, 4 head of cattle.

W. C. Dinwiddie, five sections, 400 head of cattle.

S. B. Dinwiddie, two sections, 400 head of cattle.

G. L. Weiden, 9 head of cattle.

J. A. Scott.

J. D. Thacker, one-half section, 56 head of cattle.

J. J. Cobb.

W. S. Lain.

E. W. Jackson, one-quarter section, 15 head of cattle.

J. J. Elliff, one section.

A. W. Calahan.

G. W. Elliff.

Jos. E. Areneaux.

D. L. Kyser.

A. A. Hogan, three sections, 250 head of cattle.

Frank W. Scott, one section, 120 head of cattle.

H. D. Barnes, M. D., 80 head of cattle.

H. L. Cameron, one-half section, 45 head of cattle.

M. F. Oswalt, one-half section.

E. L. Brewer, one head of cattle.

Senator Faulk offered the following petition:

To the Honorable Members of the Senate and House of Twenty-eighth Legislature:

Whereas, We learn with surprise and regret, that one of our representatives, the Hon. Walter Holsey, has introduced a bill in the Legislature purporting to impose an occupation tax on physicians; and,

Whereas, Such tax appears to us as unjust, on account of the humanitarian position the practice of medicine occupies among the professions, doing possibly more charity than any other; and,

Whereas, We believe such tax is an unjust recompense for service rendered the commonwealth, by stamping out in their incipency, diseases of a contagious nature, thereby saving not only sickness and death, but untold commercial loss; and,

Whereas, Such tax is a burden to a large number of our best and most useful men; therefore, be it

Resolved, By the Corsicana District Medical Association, that we ask the Hon. Walter Holsey to withdraw his support from said bill, and to use his influence against the passage of same. Be it further

Resolved, That a copy of these resolutions be sent to the Hon. Richard Mays, and Senator James J. Faulk, asking them also to use their influence against this bill. Be it further

Resolved, That a copy of these resolutions be sent to the *Dallas News* for publication, asking the physicians of the State to take the matter up through their respective representatives.

J. M. V. WILLS, President.
W. D. Fountain, Secretary.
W. T. Shell, M. D., Treasurer.
Z. T. HODGE, M. D.,
W. A. GARRETT, M. D.
J. H. FREY.
B. F. HOUSTON.
L. E. KELTON.
A. C. SLOAN.
I. N. TUTTLE.
T. A. MILLER.
CLAY JOHNSON.
J. E. McCLUNG.
W. M. WELLS.
T. V. FRYOR.
WILLIAM PANNILL, M. D.
S. W. JOHNSON, M. D.
GEO. A. HOFSTETTER.
A. R. SHADDEN.
A. N. WITHERSPOON.
F. HINES.
W. F. SEALE.
HOMER B. JESTER.

Senator Savage offered a memorial relative to insect-destroying birds, boll weevil and prairie dogs.

Read, and referred to Committee on Agricultural Affairs.

COMMITTEE REPORTS.

The following committee reports were offered:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 184, A bill to be entitled "An Act to amend Article 386c, Chapter 18, Title I, Revised Civil Statutes of Texas, 1895, relating to validating certain incorporated cities and towns, and declaring an emergency,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,
Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 158, A bill to be entitled "An Act to amend Article 643, of the Revised Statutes of the State of Texas, prescribing what must be set forth in the charter of a domestic corporation,"

And find the same correctly engrossed.

PATTESON, Chairman.

Committee Room,
Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 28, A bill to be entitled "An Act to amend Article 483a, of Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas, 1895, relating to the power of city councils, or a town or city having less than three thousand inhabitants, to dispense with the office of marshal,"

And find the same correctly engrossed.

PATTESON, Chairman.

PUBLIC LANDS AND LAND OFFICE.

MAJORITY REPORT.

Committee Room,
Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate:

SIR: Your Committee on Public

Lands and Land Office, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties, since July 14, 1897,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

GRINNAN, Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: A minority of Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 14, A bill to be entitled "An Act to validate the titles to certain lands located and patented in Carson, Dallam and Hutchinson counties, since July 14, 1897,"

Beg leave to dissent from the report of the majority, and recommend that it *do not* pass.

GRINNAN.
SAVAGE.

JUDICIARY NO. 1.

Committee Room,

Austin, Texas, February 19, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 207, A bill to be entitled "An Act to regulate and define the fees of sheriffs in district courts of the State of Texas for summoning special venires,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

HANGER, Chairman.

BILLS AND RESOLUTIONS.

Senator Lipscomb offered the following resolution:

Whereas, The services of an additional porter is needed in the committee rooms of the Senate; that Jim Hill served several days in said capacity, by order of the Lieutenant-Governor, and his services were very satisfactory; therefore, be it

Resolved, That Jim Hill, of Waller county, be appointed to perform the services of said position or any other duty he may be called upon to perform, and

receive the same pay per day that other porters are receiving.

Senator Mills moved that the resolution be referred to Committee on Contingent Expenses.

The motion prevailed by the following vote:

Yeas—15.

Brachfield.	Martin.
Davidson of	Mills.
DeWitt.	Morris.
Douglass.	Patteson.
Faubion.	Perkins.
Harper.	Savage.
Henderson.	Stafford.
Hicks.	Wilson.

Nays—12.

Cain.	Hanger.
Decker.	Harbison.
Faulk.	Hill.
Faust.	Lipscomb.
Grinnan.	Paulus.
Hale.	Sebastian.

Absent.

Davidson of	McKamy.
Galveston.	

Absent—Excused.

Beaty.	Willacy.
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By Senator Decker:

Senate bill No. 217, A bill to be entitled "An Act to validate all patents and surveys of land in tracts containing 640 acres or less situated in counties in this State organized between the 14th day of July, 1879, and the 22nd day of January, 1883, where said lands have been fully paid for prior to January 22, 1883, at the price authorized in Act approved July 14, 1879."

Read first time, and referred to Committee on Public Lands.

By Senator Grinnan (by request):

Senate bill No. 218, A bill to be entitled "An Act to amend Chapter 1, of Title V, of the Penal Code of the State of Texas, so as to add to said chapter Articles 141a, 142b, and 143c, relating to and providing punishment for bribery and attempted bribery of any judge of any court in this State, any clerk of such court, any sheriff or any constable in this State, any deputy of such clerk, sheriff or constable and any keeper of any jail in this State, and the acceptance of or agreement to accept a bribe by such officers, and the payment or offer of a bribe by any attorney at law to such officers."

Read first time, and referred to Judiciary Committee No. 2.

BILL RECOMMITTED.

Senator Paulus asked unanimous con-

sent to offer a minority committee report on Senate bill No. 121, and

Senator Hanger made the point of order that the minority report, according to the rule of the Senate, should accompany the majority report, and the majority report was offered on yesterday.

The Chair ruled that the point of order was well taken.

Senator Sebastian moved that the bill be recommitted to the same committee.

The motion to recommit the bill prevailed.

(Senator Stafford in the chair.)

Morning call concluded.

SENATE BILL NO. 149.

On motion of Senator Davidson of DeWitt, special order, House bill No. 21, was suspended, and the Senate took up, out of its order, Senate bill No. 149.

The Chair laid before the Senate, on its second reading,

Senate bill No. 149, A bill to be entitled "An Act to designate and set aside certain rooms in the capitol for the use of the Railroad Commission, and making an appropriation to put said rooms in suitable condition for use."

Senator Faubion offered the following amendment:

"Strike out after the enacting clause and insert as a substitute: 'That the Superintendent of Public Buildings and Grounds be instructed and empowered to so arrange the open space next to rooms now occupied by Railroad Commission that it will answer for a hearing room for said Commission.'"

Pending discussion on the amendment,

Senator Faulk moved that further action on the bill be postponed until Friday, February 27th, after morning call.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 20, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 90, A bill to be entitled "An Act to provide a charter for the city of Marshall, Harrison county, Texas; defining its boundaries; providing officers, and prescribing their duties and powers; creating a corporation court, and defining its powers and jurisdiction, and declaring an emergency," with amendments.

House bill No. 381, A bill to be entitled "An Act to create the Sixty-second Judicial District of Texas; to name the counties composing said district; to pre-

scribe the time of holding the terms of the district court in said district, empowering the judge of the Sixth Judicial District to empanel the grand jury for Lamar county, and empowering the judge of the Eighth Judicial District to empanel the grand jury for Hunt and Delta counties, and giving authority to the judges of either the Sixth or Sixty-second Judicial Districts in the county of Lamar to transfer cases from their respective courts to the other of said courts, and giving authority to the judges of either the Eighth or Sixty-second Judicial Districts in the counties of Hunt and Delta to transfer cases from their respective courts in each of said counties to the other of said courts; and to provide for the appointment of a district judge for the Sixty-second Judicial District of Texas, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL READ AND REFERRED.

The Chair had read and referred

House bill No. 381, A bill to be entitled "An Act to create the Sixty-second Judicial District of Texas; to name the counties composing said district; to prescribe the time of holding the terms of the district court in said district, empowering the judge of the Sixth Judicial District to empanel the grand jury for Lamar county, and empowering the judge of the Eighth Judicial District to empanel the grand jury for Hunt and Delta counties, and giving authority to the judges of either the Sixth or Sixty-second Judicial Districts in the county of Lamar to transfer cases from their respective courts to the other of said courts, and giving authority to the judges of either the Eighth or Sixty-second Judicial Districts in the counties of Hunt and Delta to transfer cases from their respective courts in each of said counties to the other of said courts; and to provide for the appointment of a district judge for the Sixty-second Judicial District of Texas, and declaring an emergency."

Referred to Committee on Judicial Districts.

SIMPLE RESOLUTION.

Senators Paulus and Lipscomb offered the following resolution:

Resolved, That each and every employe of Senate is excused after adjournment today until 10 o'clock next Tuesday morning.

The resolution was read, and adopted.

(President Pro Tem. Davidson of DeWitt in the chair.)

BILLS SIGNED.

The Chair (President Pro Tem. Davidson of DeWitt) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read:

House bill No. 16, "An Act to fix the time for holding court in the counties of the Twenty-second Judicial District, and the terms of court therein, and to repeal all laws in conflict therewith."

House bill No. 102, "An Act to aid Brazoria county, Texas, by supplementing the road and bridge fund by donating and granting to it the State ad valorem and three-fourths of the occupation taxes collected upon property and from persons in said county for a period of two years, and providing for a proper transfer to said fund."

House Concurrent Resolution No. 9, Providing for appointment of a joint committee to visit the Beeville Experiment Station, located at Beeville, Texas, and make report thereon.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 20, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: I am directed by the House to inform the Senate that the House has passed the following bills:

House bill No. 62, A bill to be entitled "An Act to restore and confer upon the county court of San Saba county, Texas, the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

House bill No. 392, A bill to be entitled "An Act to provide a charter for the city of Houston, Harris county, Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senate bill No. 70, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Sutton county; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILLS READ AND REFERRED.

The Chair had referred, after their

captions had been read, the following bills:

House bill No. 392, A bill to be entitled "An Act to provide a charter for the city of Houston, Harris county, Texas, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Towns and City Corporations.

House bill No. 62, A bill to be entitled "An Act to restore and confer upon the county court of San Saba county, Texas, the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act."

Referred to Judiciary Committee No. 1.

HOUSE BILL NO. 130 RECOMMENDED.

Senator Wilson moved that House bill No. 130 be recommitted to Finance Committee.

The motion prevailed.

SPECIAL ORDER—SENATE BILL NO. 21.

The Chair laid before the Senate, on its second reading,

Senate bill No. 21, A bill to be entitled "An Act to exterminate prairie dogs in Texas by allowing citizens in counties or subdivisions thereof to vote upon the question of such extermination, and declaring an emergency."

Senator Decker offered the following amendment:

"Amend the bill as amended by striking out all after the word 'Texas,' in line 6, page 1, of the bill, together with all adopted amendments, and insert in lieu thereof the following: 'By allowing citizens in counties or subdivisions thereof to vote upon the question of such extermination, providing means of extermination, and declaring an emergency.'

Be it enacted by the Legislature of Texas:

SECTION 1. Upon the written petition of fifty freeholders of any county in Texas infested with prairie dogs, the commissioners court of said county shall order an election to be held in said county or subdivision, on some day named in the order, for the purpose of enabling the freeholders of such county to determine whether the commissioners court of said county shall provide for exterminating prairie dogs in said county; *provided*, that if there be less than fifty freeholders in a county, a majority in the county

shall be sufficient as signers to said petition.

SEC. 2. Such petition shall set forth the object of said election, the manner of extermination as hereinafter provided, the county in which said election shall be held.

SEC. 3. Upon the filing of such petition the commissioners court, at the next regular term thereafter, shall pass an order directing an election to be held throughout the county, on a day to be designated in the order, not less than thirty days from the date of such order, which election shall be held and conducted and the returns thereof made in accordance with the laws regulating general elections, in so far as the same is applicable.

SEC. 4. Immediately after the passage of an order for an election, by the commissioners court, the county judge shall issue an order for such election and cause public notices thereof to be given for at least thirty days before the day of election, by publication of the order therefor in some newspaper published in the county, if there be one, if no newspaper be published in the county, then by posting copies of such order at the court house door, and at some public place in each justice precinct.

SEC. 5. The order of the county judge shall specify:

- (1) The petition and the action of the commissioners court.
- (2) It shall designate the animals to be destroyed.
- (3) The territorial limits to be affected.
- (4) The day of election.
- (5) The place at which the polls are to be opened.

SEC. 6. No person shall vote at any election under the provisions of this chapter unless he be a freeholder and is a qualified voter under the constitution and laws.

SEC. 7. All votes at any election in pursuance of this chapter shall be by ballot, and voters desiring to exterminate prairie dogs, designated in the order, shall place upon their ballots the words, "For Prairie Dog Law," and those who are against the law, shall place upon their ballots the words, "Against the Prairie Dog Law."

SEC. 8. On or before the tenth day after any election under the provisions of this act the persons holding such election shall make due return on all the votes cast at their respective voting places for and against said proposition, to the county judge of the county, who shall tabulate and count said returns and ascertain the results of said election.

SEC. 9. The returns shall be opened,

tabulated and counted by the county judge, in the presence of the county clerk, and at least one justice of the peace of the county, or of two respectable freeholders of the county.

SEC. 10. If a majority of votes cast at such election shall be "For the Prairie Dog Law," the county judge shall immediately issue his proclamation declaring the result, which proclamation shall be posted at the court house door, and at any time after the expiration of thirty days the commissioners court may make an order as hereinafter provided for the extermination of prairie dogs in said county or subdivision thereof and to pay for the same out of the current revenues of the county.

SEC. 11. The commissioners court shall divide the county into districts known as prairie dog districts, or it may designate each justice precinct a district, and it shall be the duty of the said court to advertise for bids to exterminate the prairie dogs in certain districts designated by number, said contract to be awarded to the lowest responsible bidder who shall give a good and sufficient bond in the sum of one hundred dollars per section conditioned on the faithful performance of his duty in filling said contract; *provided further*, that all bids shall be opened, considered and contracts awarded by the commissioners court at its regular term; *provided further*, that if any contractor shall fail or refuse to carry out the conditions of said contract said bond shall be forfeited and collected as other bonds of similar character.

SEC. 12. When any contractor shall have finished his work he shall make a complete report to the commissioners court with sufficient proof that he has exterminated said dogs on the territory covered by his contract, upon the filing and approval of said report receive the amount of money specified in the contract, said amount to be paid out on a voucher approved by the county judge of the county.

SEC. 13. Whenever an election shall be held under the provisions of this chapter for any county or subdivision and the proposition of a prairie dog law as herein provided is defeated, no other election for such purpose shall be held for the space of twelve months thereafter.

SEC. 14. The fact that there is no law in Texas for the extermination of the prairie dog, and the further fact that large sections of grass and much produce is being annually destroyed in Western Texas by said dogs, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspend-

ed, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

The amendment was read, and adopted.

Bill was read second time, and ordered engrossed.

On motion of Senator Savage, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Brachfield.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Decker.	Lipscomb.
Douglass.	Martin.
Faubion.	Mills.
Faulk.	Morris.
Faust.	Patteson.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harper.	Stafford.

Absent.

Cain.	McKamy.
Davidson of	Paulus.
Galveston.	Wilson.
Harbison.	

Absent—Excused.

Beaty.	Willacy.
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Bill was read third time, and passed by the following vote:

Yeas—23.

Brachfield.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Decker.	Lipscomb.
Douglass.	Martin.
Faubion.	Mills.
Faulk.	Morris.
Faust.	Patteson.
Grinnan.	Perkins.
Hale.	Savage.
Hanger.	Sebastian.
Harper.	Stafford.

Absent.

Cain.	McKamy.
Davidson of	Paulus.
Galveston.	Wilson.
Harbison.	

Absent—Excused.

Beaty.	Willacy.
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Senator Savage moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

Senator Hale moved to suspend pend-

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ing business (House bill No. 30), and take up Senate bill No. 128.

The motion was lost.

ADJOURNMENT.

Senator Sebastian moved to adjourn until 4:30 o'clock p. m., Tuesday, February 24th inst., and at 11:40 o'clock a. m., the Senate adjourned.

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, Feb. 24, 1903.

Senate met pursuant to adjournment. President Pro Tem. Davidson of Witt in the chair.

In the absence of the Secretary and Assistant Secretary, C. H. Allen was appointed to call the roll.

Roll call. No quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Cain.	Hill.
Davidson of	Martin.
DeWitt.	Mills.
Faulk.	Patteson.
Grinnan.	Savage.
Hanger.	Sebastian.
Harbison.	Willacy.
Harper.	

Absent.

Brachfield.	Hicks.
Davidson of	Lipscomb.
Galveston.	McKamy.
Decker.	Morris.
Douglass.	Paulus.
Faubion.	Perkins.
Faust.	Stafford.
Hale.	Wilson.

On motion of Senator Henderson, the Senate, at 4:40 p. m., adjourned until 10 o'clock tomorrow morning.

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Tex., Wednesday, Feb. 25, 1903.

Senate met pursuant to adjournment. President Pro Tem. Davidson of DeWitt in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faulk.
Brachfield.	Faust.
Cain.	Grinnan.
Davidson of	Hale.
DeWitt.	Hanger.
Douglass.	Harbison.